



STATE OF TENNESSEE
Department of Human Services

REQUEST FOR PROPOSALS #34513-34219
GENETIC MATERIAL COLLECTION AND TESTING SERVICES
AMENDMENT #3

DATE: December 21, 2018

RFP # 34513-34219 IS AMENDED AS FOLLOWS:

- 1. This RFP Schedule of Events updates and confirms scheduled RFP dates. Any event, time, or date containing revised or new text is highlighted.**

EVENT	TIME (central time zone)	DATE
1. RFP Issued		November 16, 2018
2. Disability Accommodation Request Deadline	2:00 p.m.	November 21, 2018
3. Notice of Intent to Respond Deadline	2:00 p.m.	November 26, 2018
4. Written "Questions & Comments" Deadline	2:00 p.m.	November 29, 2018
5. State Response to Written "Questions & Comments"		December 21, 2018
6. Response Deadline	2:00 p.m.	January 11, 2019
7. State Completion of Technical Response Evaluations		January 18, 2019
8. State Opening & Scoring of Cost Proposals	2:00 p.m.	January 21, 2019
9. Negotiations		January 22, 2019 through January 24, 2019
10. State Notice of Intent to Award Released <u>and</u> RFP Files Opened for Public Inspection	2:00 p.m.	January 29 , 2019
11. End of Open File Period		February 5, 2019
12. State sends contract to Contractor for signature		February 8, 2019
13. Contractor Signature Deadline	2:00 p.m.	February 15, 2019

- 2. State responses to questions and comments in the table below amend and clarify this RFP.**

Any restatement of RFP text in the Question/Comment column shall NOT be construed as a change in the actual wording of the RFP document.

	RFP SECTION	PAGE #	QUESTION / COMMENT	STATE RESPONSE
1	N/A	N/A	<p>Statement of Procurement Purpose</p> <ul style="list-style-type: none"> - Can the State provide the number of collection service sites within the thirty one (31) Title IV-D Judicial Districts as well as the location for each? 	<p>Currently four (4) Judicial Districts self-collect. Thirteen (13) Judicial Districts use both the self-collection method and utilize vendor services. Fourteen (14) Judicial District's use vendor services only.</p> <p>With new Judicial District contracts being awarded, these numbers can fluctuate.</p>
2	N/A	N/A	<p>Statement of Procurement Purpose</p> <ul style="list-style-type: none"> - Can the State provide information on how many offices perform their collections along with the offices that have collections done onsite and collections done offsite? 	See response for question #1
3	N/A	N/A	<p>Statement of Procurement Purpose</p> <ul style="list-style-type: none"> - Is the State currently receiving testing results via a portal and/or data file? If so, can the State provide details on how these are transmitted? 	The State currently utilizes the web portal provided by the vendor to retrieve testing results. An automated email is received to notify the user to sign into the portal when results are available.
4	3.1.1.2	5	<p>Response Requirements, 3.1 Response Form</p> <ul style="list-style-type: none"> - The Responder will provide supplemental information as attachments within the response such as annual reports, which have their own page numbers. Is it necessary for these to be number or can the Responder number only the responses to 6.2 – Section A, Section B and Section C? 	It is not necessary to number the attachments.
5	RFP Attachment 6.2, Section C.5	23	<p>C.5 Provide a brief narrative describing the Proposer's plan for the training of its staff assigned to the project. The narrative should detail the Proposer's plan for training during the initial stages of the project as well as the strategy for ongoing training over the term of the Contract.</p> <ul style="list-style-type: none"> - Can the State clarify that this training applies to the specimen collectors and training of the State staff to collect buccal swab specimens? 	Yes. Training for specimen collections is required.
6	RFP Attachment 6.6, Section D.32	15	<p>D. 32 Insurance. Contractor shall maintain insurance coverage as specified in this Section. The State reserves the right to amend or require additional insurance coverage, coverage amounts, and endorsements required under this Contract. Contractor's failure to maintain or submit evidence of insurance coverage, as required, is a material breach of this Contract. If Contractor loses insurance coverage, fails to renew coverage, or for any reason becomes uninsured during</p>	A certificate holder is provided evidence that an insurance policy is in full force and effect. It would not show that the State has coverage as either a primary or additional insured or any other coverage rights under the policy.

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			<p>the Term, Contractor shall immediately notify the State. All insurance companies providing coverage must be: (a) acceptable to the State; (b) authorized by the Tennessee Department of Commerce and Insurance ("TDCI"); and (c) rated A- / VII or better by A.M. Best. All coverage must be on a primary basis and noncontributory with any other insurance or self-insurance carried by the State. Contractor agrees to name the State as an additional insured on any insurance policy with the exception of workers' compensation (employer liability) and professional liability (errors and omissions) insurance. All policies must contain an endorsement for a waiver of subrogation in favor of the State. Any deductible or self-insured retention ("SIR") over fifty thousand dollars (\$50,000) must be approved by the State. The deductible or SIR and any premiums are the Contractor's sole responsibility. The Contractor agrees that the insurance requirements specified in this Section do not reduce any liability the Contractor has assumed under this Contract including any indemnification or hold harmless requirements.</p> <ul style="list-style-type: none"> - Will the State accept being listed as certificate holder instead of additional insured? 	
7	N/A	N/A	<p>Cost Proposal & Scoring Guide</p> <ul style="list-style-type: none"> - Would the State consider altering the cost proposal to separate the two types of collections, i.e. a price for testing for samples collected by the Contractor and a price for the testing for samples collected by local Child Support Office Staff? 	Pricing for will remain as a single line item in order to will reduce the potential for duplicate billing when the father's sample is obtained at a later date and the DNA test match is performed.
8	N/A	N/A	<p>Cost Proposal & Scoring Guide</p> <ul style="list-style-type: none"> - Please confirm that the "lowest evaluation cost amount from all proposals" will be one price and not the combined costs from all submitters. 	Correct. There is a one price requirement.
9	N/A	N/A	<p>Cost Proposal & Scoring Guide</p> <ul style="list-style-type: none"> - What is the current annual volume of samples? 	January 1, 2018 through current date of December 7, 2018 - 13,146 samples collected
10	N/A	N/A	<p>Cost Proposal & Scoring Guide</p> <ul style="list-style-type: none"> - Can the vendor bill for partial cases, i.e. cases that have not become full within thirty (30) days? 	Yes, as long as the vendor is willing to maintain records of such payments to ensure that when the case become full, there is no risk to duplicate charges.
11	RFP Attachment 6.6, Section E.11	24	E. 11 Contractor Commitment to Diversity. The Contractor shall comply with and make reasonable business efforts to exceed the commitment to diversity represented by the Contractor's Response to 34513-34219 (RFP Attachment 6.2, Section B.15.) and resulting in this Contract.	The supplier will receive monthly Compliance Audits from the TN Diversity Software system for electronic reporting.

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			<p>The Contractor shall assist the State in monitoring the Contractor's performance of this commitment by providing, as requested, a monthly report of participation in the performance of this Contract by small business enterprises and businesses owned by minorities, women, service- disabled veterans, and persons with disabilities. Such reports shall be provided to the State of Tennessee Governor's Office of Diversity Business Enterprise in the TN Diversity Software available online at:</p> <p>https://tn.diversitysoftware.com/FrontEnd/StartCertification.asp?TN=tn&XID=9810</p> <ul style="list-style-type: none"> - How often does the State anticipate requesting monthly reports? 	
12	RFP Attachment 6.6, Section A.7	4	<p>A.7. Collection and Transmission of Sample Material to Testing Laboratory. The Contractor shall notify the local Child Support office immediately, and within forty-eight (48) hours, in the event that a person identified for genetic sample collection does not appear for the appointment.</p> <ul style="list-style-type: none"> - We have seen many times that a sample might not be picked up by the courier that day from the remote collection facility (e.g. the sample was collected after the cut off time for a pickup). Thus, reporting as a no show after forty-eight (48) hours, then receiving the samples and reversing the status of the collection could create confusion. Could the time frame for show/no show notification be amended to five (5) business days to account for this? 	The time frame cannot be amended.
13	RFP Attachment 6.6, Section A.7	4	<p>A.7. Collection and Transmission of Sample Material to Testing Laboratory.</p> <p>Samples obtained under the requirements of this section shall be collected within twenty (20) days of the Contractor's receipt of a request from the State for sample collection.</p> <ul style="list-style-type: none"> - As a vendor that has performed collections at incarceration facilities and prisons, sometimes there are circumstances that will prevent the inmate to be collected for example the inmate transfers, the collector is restricted by the facility on when they will allow the collector to come into the facility or the inmate is out to court. Will the state allow for an extension of the twenty (20) day collection requirement for these types of scenarios? 	<p>Section A.8 in the RFP states:</p> <p>The Contractor shall obtain genetic samples from individuals who are incarcerated at Tennessee Department of Correction facilities, and local jails or other correctional facilities, and shall obtain genetic samples from other individuals at other sites upon request of the State or local Child Support offices. Samples obtained under the requirements of this section shall be collected within twenty (20) days of the Contractor's receipt of a request from the State for sample collection.</p>

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14	RFP Attachment 6.6, Section D.20	12	<p>Pro Forma Contract D.20 HIPAA Compliance</p> <ul style="list-style-type: none"> - We respectfully request that this section be removed as paternity genetic testing is not covered under HIPAA as evidenced in the below information. <p>Under 45 CFR § 160.103 Health information means any information, whether oral or recorded in any form or medium, that: (1) Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and (2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.</p> <p>When performing paternity testing do not meet the definition of "health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse". More importantly the information on a paternity test does not relate "to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual."</p> <p>Under 45 CFR § 160.103 Individually identifiable health information is information that is a subset of health information, including demographic information collected from an individual, and: [...] (2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; [...]</p> <p>Paternity testing does not meet this definition as it does not relate "to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual".</p> <ul style="list-style-type: none"> - Further there is a statutory statement that applies under CLIA (CLIA and HIPAA both being regulated by CMS). 42 CFR §493.3 Applicability. (b) Exception. These rules do not apply to components or functions of— (1) Any facility or component of a facility that only performs testing for forensic purposes; CMS interpretive guidelines explain §493.3(b). "The purpose for which the test is conducted, not the test itself, determines whether a facility conducting testing is subject to the CLIA requirements. Testing that is used to gather evidence for legal purposes, and is not performed for purposes of clinical treatment, medical diagnosis, health assessment or disease prevention is not subject to CLIA." 	Although no personal health information is exchanged for services under the contract, in the event any HIPAA protected information is received or exchanged, this term would apply for the protections of that information.
15	RFP	13	Pro Forma Contract D.24. Force Majeure	The purpose of the force majeure clause in a

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	Attachment 6.6, Section D.24		<ul style="list-style-type: none"> - Can Cyber Attacks be added to the Force Majeure section? 	contract is to free both parties from liability or any obligations (during the force majeure) that are beyond the parties control such as war, strike, riot or acts of God (an uncontrollable event outside of human control such as flood, earthquake or other natural catastrophes). A Cyber-Attack does not meet the definition of a force majeure.
16	RFP Attachment 6.6, Section A.6	3	<p>Pro Forma Contract – A. Scope. A..6. b. Document Requirements ii., iv., v.</p> <ul style="list-style-type: none"> - Would the State be willing to omit the Social Security Number requirement? Please note that because the social security card does not contain a photograph it is not considered an identification document and therefore not a verifiable means of identification during specimen collections. Also use of social security cards creates privacy issues. 	Social Security Cards are not required for either parent or child(ren). Social Security numbers are only required for children for which there is no photographic identification.

3. **RFP Amendment Effective Date.** The revisions set forth herein shall be effective upon release. All other terms and conditions of this RFP not expressly amended herein shall remain in full force and effect.